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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,307	12/09/2003	Michael Bishop	0201-030406	3635
39072	7590	06/20/2006		EXAMINER
MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627			SING, SIMON P	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/731,307	BISHOP ET AL.	
	Examiner Simon Sing	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 December 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-24 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 19 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3-5, 7-17, 19-22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Wattenbarger US 5,835,570.

1.1 Regarding claim 1, Wattenbarger discloses a method for routing a voice activated dialing in figure 3, comprising steps of:

receiving a call from a subscriber with voice activated dialing instruction, such as “call John Smith” (column 3, lines 19-31; column 4, lines 34-36);

failing to find voice label of “John Smith” in the subscriber’s database (first directory) (column 4, lines 56-58);

translating at least a part of the instruction into data (over SS7 data network) for querying a directory service database (second directory) (column 4, lines 58-61);

using the data to obtain a destination number (of John Smith) from the directory service database (column 4, lines 61-67); and

routing the call to the destination number (column 5, lines 9-20).

1.2 Regarding claim 3, Wattenbarger teaches adding the destination number to the subscriber's database (first directory) (column 4, line 67 to column 5, line 8).

1.3 Regarding claim 4, Wattenbarger teaches that the instruction is routed to the directory service database 28 which is part of a SS7 data network as shown in figure 1, and the call is routed to the destination number by a voice communication network 16 in figure 1 (column 4, line 56 to column 5, line 20).

1.4 Regarding claim 5, Wattenbarger discloses a method for routing a voice activated dialing in figure 3, comprising steps of:

receiving a call from a subscriber with voice activated dialing instruction, such as "call John Smith" (column 3, lines 19-31; column 4, lines 34-36);

failing to find voice label of "John Smith" in the subscriber's database (first directory) (column 4, lines 56-58);

using the instruction to obtain a destination number (of John Smith) from a directory service database (second directory) (column 4, lines 58-67); and

routing the call to the destination number (column 5, lines 9-20).

1.5 Regarding claim 7, Wattenbarger teaches adding the destination number to the subscriber's database (first directory) (column 4, line 67 to column 5, line 8).

1.6 Regarding claim 8, Wattenbarger teaches:

translating at least a part of the instruction into data (over SS7 data network) for querying the directory service database (second directory) (column 4, lines 58-61); and using the data to obtain a destination number (of John Smith) from a directory service database (column 4, lines 61-67).

1.7 Regarding claim 9, Wattenbarger teaches that the instruction is routed to the directory service database 28 (which is party of a SS7 data network as shown in figure 1) for obtaining the destination number, and the call is routed to the destination number by a voice communication network 16 in figure 1 (column 4, line 56 to column 5, line 20).

1.8 Regarding claim 10, Wattenbarger discloses a method for routing a voice activated dialing in figure 3, comprising steps of:

receiving a call from a subscriber with destination information, such as "call John Smith" (column 3, lines 19-31; column 4, lines 34-36);  
translating the destination information into digital data (for voice recognition purpose) (column 4, lines 29-36); and  
using the data to obtain a call destination number column 4, lines 16-20, 37-43).

1.9 Regarding claims 11 and 12, Wattenbarger teaches initiating and routing the call to the destination number (column 4, lines 37-55).

1.10 Regarding claims 13 and 14, Wattenbarger teaches determining a call path and routing the call through the path (column 4, lines 37-55).

1.11 Regarding claim 15, Wattenbarger further teaches that if the destination information if not found, than translates the destination information into data for obtaining a destination number from a directory service database over a SS7 data network, and routs the call to the destination number (column 4, line 56 to column 5, line 20).

1.12 Regarding claims 16 and 17, Wattenbarger further teaches that if the destination information if not found in a subscriber database (first directory), than translates the destination information into data for obtaining a destination number from a directory service database (second directory) over a SS7 data network, and routs the call to the destination number (column 4, line 56 to column 5, line 20).

1.13 Regarding claim 19, Wattenbarger teaches adding the destination number to the subscriber's database (first directory) (column 4, line 67 to column 5, line 8).

1.14 Regarding claim 20, Wattenbarger discloses a voice activated dialing system in figures 1 and 2, comprising:

a voice dialing device 24 operative to respond a voice dialing instruction by causing a call to be routed to a gateway 50 communicatively connected to the a (voice dialing) network module 42 (column 3, lines 19-31, 67; column 4, lines 1-4, 34-36); and

the network module 42 being operative to use at least party of the instruction to obtain a call destination number from a directory 28, and to cause the call to be routed to the call destination number (column 4, lines 37-43, 56-67; column 5, lines 9-13).

1.15 Regarding claim 21, Wattenbarger teaches that when a voice label (form voice dialing) is not found, a query is send to a SS7 data network (through the gateway 50, see figure 1 and column 4, lines 39-41) for the destination number (column 4, lines 567-67).

1.16 Regarding claim 22, the gateway 50 is a gateway as shown in figures 1 and 2 (voice/data reads as: voice or data).

1.17 Regarding claim 24, Wattenbarer teaches updating subscriber's database in the voice dialing module 24 (column 4, line 67 to column 5, line 8).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2614

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 2, 6, 18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wattenbarger US 5,835,570 in view of Gelfer et al. US 6,163,596.

Wattenbarger teaches using a spoken name for voice dialing, but fail to obtain additional information in addition to the name.

However, Gelfer discloses a device for voice dialing in that a caller is prompted to speak the location of a called party in addition to the called party's name (column 1, lines 21-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Wattenbarger's reference with the teaching of Gelfer, so that additional information about a called party would have been entered, because such a modification would have identifying a telephone number of a called party having multiple telephone numbers corresponding to home, office and cellular phone.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Stillman et al. US 6,870,915.
- b) Smith et al. US 6,404,876.
- c) Darden US 5,204,894.

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

06/07/2006



FAN TSANG  
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